

HOUSE No. 2190

The Commonwealth of Massachusetts

PETITION OF:

John A. Lepper
Richard J. Ross
Scott P. Brown
Barbara A. L'Italien
Gale D. Candaras
Frank I. Smizik
Alice K. Wolf
Susan Williams Gifford
Anthony J. Verga

William G. Greene, Jr.
Gloria L. Fox
Joyce A. Spiliotis
Christine E. Canavan
Joseph R. Driscoll
Thomas M. McGee
Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING ACCESS TO BIRTH CERTIFICATES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 46 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 2A, the following section:-

Section 2B. Upon written application, which shall include proof of identity and payment of applicable fees, by an adopted person 18 years of age or older who was born in the commonwealth on or before July 17, 1974 or on or after January 1, 2008 or by an adoptive parent of an adopted person under 18 years of age and born in the commonwealth on or after January 1, 2008, the state registrar shall:

(a) make available for inspection at the offices of the state registry the birth certificate prior to adoption which indicated the prior legal parent or parents listed on the initial birth certificate of if there has been more than 1

adoption, the birth certificate prior to the first adoption which indicates the biological parent or parents listed on the initial birth certificate

(b) send by certified mail return receipt to the adopted person age 18 or older or to the parents of an adopted person under 18 years of age a photocopy of the contents of the birth record with the following notation on it: "The contents of this birth record are being released under section 2B of chapter 46 of the Massachusetts General Laws or under a court order. This record was amended by adoption. This is not a certified copy of a birth record."

SECTION 2. Section 13 of said chapter 46, as so appearing, is hereby amended by inserting after the words "in which said adoption was granted", in line 168, the following words:- ,or in accordance with section 2B of this chapter

SECTION 3. Said section 13 of said chapter 46, as so appearing, is hereby further amended, in line 170, by inserting after the word "occurred", in line 170, the following words:- ,or in accordance with section 2B of this chapter.

SECTION 4. Said section 13 of said chapter 46, as so appearing, is hereby further amended by inserting after the word "record.", in line 171, the following sentence:- Evidence contained in the adoption record of a birth parent's willingness to provide information about her identity to the adopted person shall, except in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the original birth record.

SECTION 5. Said chapter 46, as so appearing, is hereby amended by adding the following section:-

SECTION 31. (a) Section 31. The registry of vital records and statistics, subject to appropriations, shall establish and maintain an adoption contact information registry for the purpose of connecting parents listed on the initial birth certificate to any of their children who were adopted by others. The adoption contact registry shall at minimum be capable of recording updated address and other information supplied by parents and adoptees needed for one to contact the other."

(b) Registration shall be entirely voluntary and participation may at any time be terminated through proper notification to the registry.

(c) The commonwealth shall make reasonable efforts to inform the public about the existence of this registry.

(d) The information and indices held by the department of public health with respect to the adoption information contact registry are confidential and shall be exempt from the mandatory disclosure requirements of clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.”